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Attorneys for Defendants
 GAP INTERNATIONAL SALES, INC.,
 THE GAP, INC., BANANA REPUBLIC,
 LLC, OLD NAVY, LLC.

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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

GABANA GULF DISTRIBUTION, LTD., a
 company organized under the laws of the
 United Kingdom, and GABANA
 DISTRIBUTION, LTD., a company
 organized under the laws of the United
 Kingdom,

Plaintiffs,

v.

GAP INTERNATIONAL SALES, INC., a
 Delaware corporation, THE GAP, INC., a
 Delaware corporation, BANANA
 REPUBLIC, LLC, a Delaware limited
 liability company, and OLD NAVY, LLC, a
 Delaware limited liability company,

Defendants.

No. C 06 2584 CRB (EDL)

Action Filed: April 14, 2006

STIPULATION AND ~~PROPOSED~~
 ORDER RE: FILING OF SECOND
 AMENDED COMPLAINT

Judge: Hon. Charles R. Breyer

Trial Date: December 3, 2007

STIPULATION AND AGREEMENT

Plaintiffs Gabana Gulf Distribution Ltd. and Gabana Distribution, Ltd. (collectively, “Gabana”) and Defendants The Gap, Inc., Gap International Sales, Inc. (“Gap International”), Banana Republic, LLC and Old Navy, LLC (collectively, “Defendants”) hereby stipulate and agree as follows:

1. WHEREAS on April 14, 2006, Gabana filed suit against Defendants;

2. WHEREAS on April 21, 2006, Gabana filed its First Amended Complaint (“FAC”) against the Defendants;

3. WHEREAS, the parties have agreed that Gap International will be the only named Defendant in this case, and that Gap International will not argue or assert in connection with Gabana’s claims that recovery should have been sought against a Gap-affiliated entity other than Gap International, for any reason;

4. WHEREAS, Federal Rule of Civil Procedure 15(a) allows that a party may amend a pleading “by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires”;

5. WHEREAS, Defendants consent to Gabana’s filing of the Second Amended Complaint attached as Exhibit A to this Stipulation and [Proposed] Order;

WHEREFORE, Gabana by and through its counsel of record, on the one hand, and Defendants on the other, stipulate and agree as follows:

1. Gabana may file its Second Amended Complaint attached as Exhibit A.

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1 This Stipulation and Agreement may be executed in counterparts, each of which shall
2 constitute a duplicate original.

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4 DATED: November 6, 2007.

/s/ Sarah J. Givan
MARTIN R. GLICK
SARAH J. GIVAN
SHAUDY DANAYE-ELMI
HOWARD RICE NEMEROVSKI CANADY
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9 HAL K. LITCHFORD
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Professional Association

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12 Attorneys for Plaintiffs/Counterclaim Defendants
GABANA GULF DISTRIBUTION, LTD., and
GABANA DISTRIBUTION, LTD.

13 DATED: November 6, 2007.

/s/ Rose Darling
DARALYN J. DURIE
CHRISTA M. ANDERSON
DAN JACKSON
ROSE DARLING
KEKER & VAN NEST, LLP

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18 Attorneys for Defendants/Counterclaimants GAP
INTERNATIONAL SALES, INC., THE GAP,
INC., BANANA REPUBLIC, LLC, and OLD
NAVY, LLC.

20 PURSUANT TO STIPULATION, IT IS SO ORDERED.

21 DATED: November 16, 2007.

23 By: HON. CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE

